

RESOLUTION NO. R2015-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA AMENDING POLICY 7.3 SICK LEAVE/FAMILY AND MEDICAL LEAVE ACT AND ADDING POLICY 7.7 BEREAVEMENT LEAVE TO THE CITY OF WILDWOOD PERSONNEL RULES AND REGULATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Wildwood has determined there is a need to revise the personnel rules and regulations or employees of the City of Wildwood to clarify bereavement leave.

NOW THEREFORE, BE IT RESOLVED, by the City Commission of the City of Wildwood Florida:

SECTION 1: Policy 7.3 of the City of Wildwood Personnel Rules and Regulations is amended to remove Section D. 1. b. iv. which provides for the use of accrued sick leave to attend a funeral, as attached.

SECTION 2: Policy 7.7 is being added for clarification of the use of accrued sick leave for bereavement time, as attached.

SECTION 3: This Resolution shall take effect immediately upon its final adoption by the City Commission of the City of Wildwood, Florida.

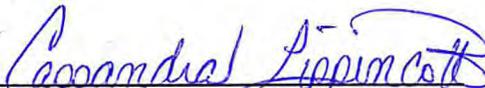
PASSED AND RESOLVED this 23rd day of March, 2015, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA



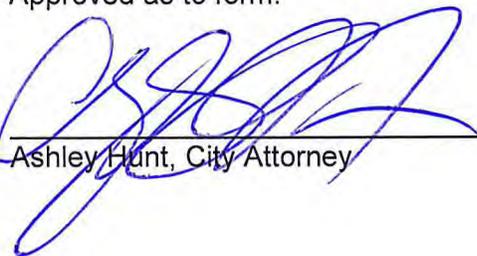
Ed Wolf, Mayor

ATTEST:



Cassandra Lippincott, City Clerk

Approved as to form:



Ashley Hunt, City Attorney

Policy 7.3. SICK LEAVE/FAMILY AND MEDICAL LEAVE ACT.

A. SUBJECT. Employee sick leave.

B. PURPOSE. To establish a uniform basis for accrual and use of sick leave and to coordinate use of sick leave with leave provided pursuant to the Family and Medical Leave Act.

C. POLICY. The policy of the City is to provide paid sick leave to City employees while also promoting attendance when employees are not sick. Allowing accrual of sick leave promotes this policy. Also the policy of the City is that employees should receive paid sick leave concurrently with eligible leave given pursuant to the Family And Medical Leave Act as long as the employee has paid sick leave available.

D. PROCEDURE.

1. Sick Leave.

a. All regular full-time City employees shall accrue 3.69 sick leave hours per pay period.

b. Use of Sick Leave.

i. Accrued sick leave is intended to be used for personal illness, injury, or exposure to contagious disease for the employee or of the employee's immediate family as defined under FMLA, which includes spouse, child, parent.

ii. Accrued sick leave is also intended to be used for personal or employee's immediate family member's visits to the doctor's office when such visits cannot be arranged outside of working hours.

iii. In unusual circumstances the City Manager may authorize the advancement of sick leave credits to an employee who has exhausted all sick and vacation leave credits. Such advancement not to exceed five working days. An extension beyond that time may be authorized only with the approval of the City Commission.

~~iv. Accrued sick leave to attend the funeral of a member of the employee's immediate family as defined by the FMLA or the employee's brother, sister, grandparents, parent-in-law, daughter-in-law, son-in-law, and grandchild shall be limited to three days if the funeral is within the State of Florida, and five (5) days if it is outside of the State of Florida unless otherwise approved by the City Manager.~~

c. Accumulation of Sick Leave Credits – Sick leave credits for the probationary period shall accrue, but ordinarily, no such leave may be taken during the first six months of employment except under circumstances as may be authorized by the City Manager. An employee may accrue up to a maximum of 480 hours of sick leave credits

which may be converted to compensation in the manner prescribed in these rules and may accumulate additional hours which may be used if the employee experiences a catastrophic illness.

d. Payment of Sick Leave - There shall be no cash payment for earned, but unused, sick leave credits, except where the employee leaves in good standing from the city employment with ten or more years of service and is paid for unused sick leave at the regular hourly rate. The maximum number of hours that may be converted to compensation in this manner as earned but unused sick leave is 480 hours.

e. Abuse of Sick Leave - Sick leave is a privilege extended to employees as opposed to an expected benefit provided by the City. In order to preclude sick leave abuse, any employee who takes more than 48 hours of sick leave (excluding physician/medical appointments or verified time in a physician's or medical facility's care), or leave without pay during the previous 12-month period, (said time taken in four or more increments during this period) shall not be paid for the first day off in the succeeding 12-month period, without a physician's statement and/or special approval from his department head.

f. Verification of Illness - For sick leave of more than one day in duration, a certificate of a physician may be required. A supervisor may, with the City Manager's approval, cause such investigation as deemed necessary. An employee will be required to notify his immediate supervisor no later than 30 minutes before his or her shift is to begin the first day of sick leave. Unless the employee is confined to a hospital or suffering from an illness that would prevent him/her from doing so, the employee must give notice each day thereafter at least 30 minutes before his or her shift is to begin. Failure to comply may result in the absence being charged as leave without pay. Additionally, sick leave taken immediately before or after a holiday may require a certificate from a physician.

g. Extended Illness - In cases of extended illness where the employee cannot reasonably be expected to return to work, based on the opinion of the attending physician, and also at the expiration of all sick and vacation time to the credit of the employee, the City Manager may authorize advance sick leave, not to exceed a six working day period. No further advance of sick leave may be made without the approval of City Commission. Sick leave so advanced shall be entered on the employee's leave record and sick leave earned after return to work shall be credited to the advance leave until accrued leave credits equal the amount of sick leave which has been advanced. In the event of termination of services prior to the earning of sufficient leave credits to cover that time advanced, deductions shall be made from the final pay due the employee in the amount of unearned advanced leave.

h. Donation of Sick Leave to Fellow Employees - Any employee may donate accumulated hours of sick leave credits to a fellow employee when such employee is experiencing long term illness and has used all of his/her own sick leave credits and vacation leave credits. Any person who does not have a credit of at least 240 hours of sick leave may not donate.

2. Leave under the Family Medical Leave Act (FMLA).

a. Covered family and medical reasons. An eligible employee shall be entitled to 12 weeks of unpaid leave during a 12-month period for one or more of the following reasons:

- i. The birth or placement of a child for adoption for foster care;
- ii. To care for an immediate family member (spouse, child or parent) with a serious health condition; or,
- iii. To take medical leave when the employee is unable to work because of a serious health condition.
- iv. A serious health condition, which shall be defined as an illness of a serious long term nature resulting in recurring or lengthy absences. Treatment of such an illness would occur in an inpatient situation at the hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.

b. An eligible employee may be entitled to twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

c. An eligible employee may take leave if a serious health condition makes the employee unable to perform the functions of his/her position. Employees with questions about whether specific illnesses are covered under this policy or under the City's sick leave policy are encouraged to meet with a representative from the Human Resources Office.

d. Employee eligibility. An employee shall be entitled to family leave when he/she meets the following criteria:

- i. The employee has worked for at least 12 months for the City. The twelve months need not have been consecutive, (Where the twelve months has not been consecutive, time worked for the City over 7 years prior to the request will not be considered as time worked for the City in consideration of FML.) The City considers 52 weeks to be equal to twelve months).

ii. The employee has to have worked for the City for at least 1250 hours over the 12 months before the leave would begin.

iii. The employee must work in an office or worksite which employs 50 or more employees, or there must be 50 employees within 75 miles of the office or worksite. At this City, all employee worksites are within a 75 mile radius of City Hall.

iv. When both spouses are employed by the City, they are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

e. Maintenance of Benefits.

i. An employee shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work at the City. To maintain uninterrupted coverage, the employee will have to continue to pay their share of insurance premium payments. This payment shall be made either in person or by mail to the Finance Department by the 1st day of each month. If the employee's payment is more than 30 days overdue then the coverage will be dropped by the City. It is the employee's responsibility to assure that the payments are received by the Finance Department.

ii. If employee informs the City that he/she does not intend to return to work at the end of the leave period the City's obligation to provide health benefits ends. If employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the employee to reimburse the City the amount the City contributed towards the employee's health insurance during the leave period.

iii. Other benefits such as the accrual of seniority will not continue during leave. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

f. Job Restoration.

i. An employee who utilizes family or medical leave under this policy will be restored the same job or a job with equivalent status, pay, benefits and other employment terms.

ii. The City may choose to exempt certain highly compensated, “key” employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. Employees who may be exempted will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for a key employee on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

g. Use of paid and unpaid leave.

i. If an employee has accrued paid leave of less than 12 weeks, the employee will use paid leave first and take the remainder of the twelve weeks as unpaid leave. The twelve weeks will run concurrently with the use of the paid leave.

ii. If an employee uses leave because of his/her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all paid vacation, personal or sick leave, and then will be eligible for unpaid leave.

iii. An employee using leave for the birth of a child will use paid sick leave for physical recovery after childbirth. The amount of sick leave utilized after this point will be decided on a case by case basis. The employee then may use all paid vacation, personal or family leave, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

iv. An employee using leave for the adoption or foster care of a child will use all paid vacation, personal or family leave first, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

h. Intermittent Leave and Reduced Work Schedules.

i. In certain cases, intermittent use of the twelve weeks of family or medical leave or a part of a reduced work week may be allowed by the City. Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the employee’s department head and the Human Resources Office.

ii. Employees may also use family or medical leave intermittently or as part of a reduced work week whenever it is medically necessary. If the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the City’s operations. This provision is subject to the approval of the health care provider.

iii. In some cases, the City may temporarily transfer an employee using intermittent or reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

i. Procedure for requesting leave.

i. All employees requesting extended leave under this policy must complete the Family/Medical leave form available from the Human Resources Office. Anytime an employee utilizes paid sick leave it shall be deemed a request for leave under the FMLA also and will run concurrently with sick leave.

ii. When an employee plans to take leave under this policy, the employee must give the City 30 day notice. If it is not possible to give 30 day notice, the employee must give as much notice as is possible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

iii. While on leave, employees are requested to report periodically to the City regarding the status of the medical condition, and their intent to return to work.

j. Procedure for Notice and Certification of Serious Health Condition.

i. On occasion, the City may require the employee to provide notice of the need to utilize leave (where it is possible to know beforehand) and/or may require the employee to provide certification of an employee's or immediate family member's serious health condition by a qualified healthcare provider. The employee should try to respond to such a request within 10 days of the request, or provide a reasonable explanation for the delay.

ii. Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentist, clinical psychologists, optometrists, and chiropractors, nurse practitioners and nurse-midwives authorized to practice under State law and performing within the scope of their practice under state law; and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

iii. When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

A. Date when the condition began; expected duration; diagnoses; and a brief statement of treatment.

B. If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.

C. For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

D. If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

iv. If deemed necessary, the City may ask for a second opinion. The City will pay for the employee to get a certification from a second doctor, which the City will select. If there is a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion will be considered final.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: May 1, 2015

Policy 7.7. BEREAVEMENT LEAVE

A. SUBJECT. Employee bereavement leave.

B. PURPOSE. To establish a uniform basis for bereavement leave for employees based on in-state and out-of-state travel.

C. POLICY. The policy of the City is to provide for the use of accrued sick leave by City employees who must miss time from their regular work schedule due to the loss of an employee's immediate family as defined by the FMLA or the employee's brother, sister, parents, grandparents, parent-in-law, daughter-in-law, son-in-law, and grandchild. This time shall be limited to three (3) days if the funeral is within the State of Florida, and five (5) days if it is outside of the State of Florida unless otherwise approved by the City Manager. Proper documentation of relationship is needed.

D. PROCEDURE.

1. Upon notice of the death of an immediate family member as defined by FMLA or the employee's brother, sister, grandparents, parent-in-law, daughter-in-law, son-in-law, and grandchild, the employee is to notify their immediate supervisor of the need for bereavement leave.
2. The supervisor is to notify Human Resources of this loss for documentation in the employee's file.
3. The employee shall be granted the appropriate time off from work. Three (3) days if within the State of Florida and five (5) days if outside the State of Florida.
4. Employee's time sheet will indicate "k" for any hours to be considered bereavement. This time will be paid if the employee has accrued sick leave to be used. If no accrued sick leave is available, other paid time (i.e. vacation, personal) may be substituted upon approval by the department head.
5. Upon return to work, the employee must provide proper documentation of the relationship with the deceased person.

EFFECTIVE DATE: May 1, 2015

LAST REVISED: _____